

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

Civil Action No.:1:10-cv-00138-GCM-DLH

FIRST MERCURY INSURANCE)
COMPANY, an Illinois corporation,)
)
Plaintiff,)
)
vs.)
)
GHOST TOWN PARTNERS LLC, d/b/a)
Ghost Town in the Sky,)
)
Defendant,)
)
KURT BIEDLER and wife, TAMMY)
JONES,)
)
Intervening Defendants.)

JUDGMENT AGAINST INTERVENING DEFENDANTS

This Court has considered Intervening Defendants' and Plaintiff's Joint Stipulation for the Entry of Judgment, and good cause appearing, Judgment is hereby entered against Intervening Defendants as follows:

First Mercury policy number EPIL000180 (the "Policy") issued to Ghost Town was cancelled prior to February 5, 2010;

First Mercury's receipt of First Insurance Funding Corp.'s notice of cancellation of the Policy in accordance with North Carolina General Statute § 58-35-85 effected a valid cancellation of the Policy;

The Policy was cancelled no later than February 3, 2010, and thus was not in effect on February 5, 2010;

First Mercury has no duty to defend or further investigate any claims arising out of the February 5, 2010 Landslide, including Intervening Defendants' claims against Ghost Town; and

First Mercury has no duty to indemnify Ghost Town as to any claims arising out of the February 5, 2010 Landslide, including Intervening Defendants' claims against Ghost Town.

SO ORDERED.

Signed: July 29, 2011

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

